

REMARKS

Claim Rejections

Claim 1 is rejected under 35 U.S.C. §102(e) [sic] as allegedly being anticipated by Duquette (U.S. 6,667,877 B2). Claim 2 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Duquette in view of Batio (U.S. 5,949,643). Claim 3 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Duquette in view of Khan (U.S. 2003/0115474 A1).

Revocation of Power of Attorney

Applicant is submitting herewith a Revocation of Power of Attorney and Appointment of New Attorney naming Bruce H. Troxell as attorney of record in this application. It is requested that all further correspondence be sent to Troxell Law Office PLLC at the address noted on the attached Change of Address.

Drawings

It is noted that no Patent Drawing Review (Form PTO-948) was received with the outstanding Office Action. Thus, Applicant assumes that the drawings are acceptable as filed.

Claim Amendments and New Claims

By this Amendment, Applicant has canceled claim 3, amended claim 1, and added new claims 4-6. It is believed that the amended and new claims define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

The primary reference to Duquette is cited to allegedly anticipate claim 1. Although Applicant does not necessarily acquiesce to this rejection, Applicant respectfully submits that claim 1 now includes at least some of the substantive features of cancelled claim 3. Consequently, Applicant respectfully submits that this rejection should be withdrawn.

With respect to the alleged combination of Duquette and Khan, Applicant respectfully traverses their alleged combinability. Duquette discloses a laptop

computer having a first monitor screen 40 and a second monitor screen 70 that can be withdrawn to a lateral position with respect to the first monitor screen 40 (see, e.g., column 4, lines 6-11; and column 5, lines 7-32). The reference to Khan discloses a laptop having a digital video camera for securing access by using a video camera and biometrics (see, e.g., page 1, paragraph 7 and page 3, paragraphs 24-25).

It is a basic principle of U.S. patent law that it is improper to arbitrarily pick and choose prior art patents and combine selected portions of the selected patents on the basis of Applicant's disclosure to create a hypothetical combination which allegedly renders a claim obvious, unless there is some direction in the selected prior art patents to combine the selected teachings in a manner so as to negate the patentability of the claimed subject matter. This principle was enunciated over 40 years ago by the Court of Customs and Patent Appeals in In re Rothermel and Waddell, 125 USPQ 328 (CCPA 1960) wherein the court stated, at page 331:

The examiner and the board in rejecting the appealed claims did so by what appears to us to be a piecemeal reconstruction of the prior art patents in the light of appellants' disclosure. ... It is easy now to attribute to this prior art the knowledge which was first made available by appellants and then to assume that it would have been obvious to one having the ordinary skill in the art to make these suggested reconstructions. While such a reconstruction of the art may be an alluring way to rationalize a rejection of the claims, it is not the type of rejection which the statute authorizes.

The same conclusion was later reached by the Court of Appeals for the Federal Circuit in Orthopedic Equipment Company Inc. v. United States, 217 USPQ 193 (Fed.Cir. 1983). In that decision, the court stated, at page 199:

As has been previously explained, the available art shows each of the elements of the claims in suit. Armed with this information, would it then be non-obvious to this person of ordinary skill in the art to coordinate these elements in the same manner as the claims in suit? The difficulty which attaches to all honest attempts to answer this question can be

attributed to the strong temptation to rely on hindsight while undertaking this evaluation. It is wrong to use the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit. Monday morning quarterbacking is quite improper when resolving the question of non-obviousness in a court of law.

In In re Geiger, 2 USPQ2d, 1276 (Fed.Cir. 1987) the court stated, at page 1278:

We agree with appellant that the PTO has failed to establish a *prima facie* case of obviousness. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching suggestion or incentive supporting the combination.

Applicant submits that there is not the slightest suggestion in either Duquette or Khan that their respective teachings may be combined as suggested. Particularly, Duquette teaches a second monitor screen that can be slid to a lateral position with respect to the first screen. Duquette discloses no desirability to include a digital video camera as disclosed by Khan. Case law is clear that, absent any such teaching or suggestion in the prior art, such a combination cannot be made under 35 U.S.C. §103. With respect to Batio, Batio does not teach or suggest a digital video camera, and thus, does not cure the deficiencies in the combined teachings, as alleged, of Duquette and Khan.

Additionally, the reference of Duquette, Khan, or Batio does not teach or suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's claims.

Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

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By:



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